

64. The door frame assembly of claim 63 and further comprising a truss, the truss externally mountable to the bottom horizontal end of the door, the truss supporting the bottom horizontal end.

REMARKS

This amendment is submitted in response to the Office Action mailed on September 9, 2002, which was an action to a preliminary Amendment by the applicant mailed on June 4, 2001 together with the present application. In the Office Action, the Examiner rejected claims 49, 52-54, 57 and 60 under 35 U.S.C. §102(b) as being anticipated by Andresen, U.S. Pat. No. 4,294,055 ("the Andresen patent"). Claims 36-64 are rejected under 35 U.S.C. §103(a) as being unpatentable over Andresen in view of other references. Applicant disagrees with the Examiner's characterization of the cited references. The arguments below should be persuasive.

Claim Rejections Under 35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 49, 52-54, 57 and 60 under 35 U.S.C. § 102(b) as being anticipated by the Andresen patent. According to the Examiner, the Andresen patent "discloses an overhead door assembly comprising a door panel (10) having a bottom member (16), a first and second vertical side members (18 and 20), and a top member (14), hinging support members (66, 70, 72 and 74) connected to a top portion of the door panel (10), and a truss (27 and 28) supporting a bottom member (16)." However, Andresen does not teach an external truss. In Andresen, reference numerals 27 and 28 refer to honeycomb core and covering sheet, respectively.

"FIG. 3 illustrates this construction wherein a portion of a door is shown in cross-sectional view. The door has a honeycomb core 22 bonded, at its opposite sides, to covering sheet 26 which can be a three or five plywood veneer and to a honeycombed sheet 28. The latter is an assembly of opposite, thin sheets 23 and 25, which can be formed of any of the aforementioned sheet material or can be paper such as that previously described as useful to form the honeycomb cores. The honeycomb core 27 is similar to the aforescribed honeycomb cores and can have a thickness from 10 to about 100 percent of that of core 22.

Col. 4, lines 16-36.

The Andresen patent does not teach, suggest or disclose an external truss to provide support for the door. On the contrary, at column 3, lines 21-25, the Andresen patent states that

"The honeycomb core 22 is positioned in the door with the strips of sheet material of the honeycomb extending across the width of the door so as to impart rigidity and resistance to bending of the door when it is supported at opposite edges in a horizontal position."

Additionally, at column 3, lines 31-43, the Andresen patent discusses **internal** stiffeners or splines for bracing, the braces constructed of a honeycomb core. There is no suggestion in the Andresen patent of using an external truss to support the door.

Moreover, the Andresen patent teaches away from the external truss of the instant invention. Specifically, the Andresen patent teaches

"The door structure should also be rigid in the vertical position and should be rigid and nonsagging when supported overhead from its opposite ends, preferably **without the employment of truss rods and similar hardware.**"

Col. 1, lines 44-49. Furthermore, Andresen discloses

"The stiffness-to-weight ratio of the materials employed in construction of such doors is generally inadequate to provide a panel which resists sagging or bending when supported in the open, horizontal position on hinges located at the opposite ends of the panel. Accordingly, **most of the panels must be additionally braced by truss rods which extend between the opposite ends of the door, thereby adding to the complexity and weight of the panel.**"

Col. 1, lines 20-28. Thus, Andresen teaches away from heavy doors requiring truss rods and against additional hardware projecting into the garage.

Claims 49 and 57 include an external truss element. The Andresen patent does not teach, suggest or disclose all the elements of claims 49 and 57. Therefore, applicant believes that independent claims 49 and 57 are in allowable form. Claims 52-54 depend from independent claim 49, and claim 60 depends from independent claim 57. Since Andresen does not teach, suggest or

disclose the elements of claims 49 and 57 and claims 49 and 57 are allowable over the cited references, then dependent claims 52-54 and 60 are also in allowable form. Reconsideration and allowance of claims 49, 52-54, 57 and 60 is now requested.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 36, 38-41, 43-45, 48 and 61 as being unpatentable over the Andresen patent in view of U.S. Patent No. 3,468,060 to Mursinna, hereinafter the "Mursinna patent." The Examiner stated that:

"all of the elements of the instant invention are discussed in detail above except providing an operator in the form of a hydraulic cylinder which opens and closes the door panel. Mursinna discloses a door assembly having a three-way hydraulic cylinder which operates the door to an opened and closed position. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Andresen with an automatic door assembly as taught by Mursinna since an automatic door assembly allows one to easily operate the door to an opened and closed position."

Applicant respectfully disagrees with Examiner's statement. Claim 1 includes an external truss supporting the bottom horizontal end of the door member. As discussed above, the Andresen patent does not suggest using an external truss to provide support for the door member. The Andresen patent does suggest, however, using an **internal** honeycomb-like bracing to support the door member. *See Col 3, lines 21-25; Col. 4, lines 16-36; and Col. 6, lines 29-35.* This **internal** honeycomb-like bracing is not the same as an **external** truss as included in the present invention. Therefore, Andresen **does not** contain **all** of the elements of the instant invention.

Since Andresen does not contain all of the elements of the present invention, the combination of the Mursinna patent with the Andresen patent does not teach all of the elements of the present invention. Moreover, applicant believes that it would not have been obvious to one of ordinary skill in the art at the time of the invention to provide Andresen with an automatic assembly as taught by Mursinna. First, Andresen teaches away from using an external truss to provide support

to the door member, teaching instead a "lighter weight panel". *See Col. 1, lines 20-49.* Second, Andresen teaches a disadvantage associated with heavy doors and hardware required to assist in opening the door as follows:

The massive springs employed to balance the door so that it can be readily opened are a hazard to persons and property since failure of the springs or the associated hardware often results in hardware fragments being projected into the garage.

Col. 1, lines 28-33. Therefore, applicant believes that it would not have been obvious to one of ordinary skill in the art at the time of the invention to provide Andresen with an automatic assembly as taught by Mursinna.

Applicant thus believes that claim 36 is in allowable form. Furthermore, because independent claim 36 is believed to be in allowable form, and dependent claims 38-41 and 43-45 depend in some form from independent claim 36, then claims 38-41, 43-45 and 48 are also in allowable form. Additionally, because dependent claim 61 depends from independent claim 49, and applicant believes that amended independent claim 49 is in allowable form, then dependent claim 61 is also in allowable form. Reconsideration and allowance of claims 36, 38-41, 43-45, 48 and 61 is requested.

In the Office Action, the Examiner rejected claims 37 and 42 as being unpatentable over Andresen in view of Mursinna as applied to claim 36, and further in view of U.S. Patent No. 4,643,239 to Wentzel, hereinafter the "Wentzel patent". Because claims 37 and 42 depend from claim 36, and it is believed that claim 36 is in allowable form, then claims 37 and 42 are in allowable form. Reconsideration and allowance of claims 37 and 42 is requested.

In the Office Action the Examiner rejected claims 46 and 47 as being unpatentable over Andresen in view of Mursinna as applied to claim 36, and further in view of d'Haveloose. Because claims 46 and 47 depend in some form from claim 36, and it is believed that claim 36 is in allowable form, then claims 46 and 47 are in allowable form. Reconsideration and allowance of claims 46 and 47 is requested.

Claim 62 was rejected as being unpatentable over Andresen in view of d'Haveloose.

Applicant respectfully disagrees with the Examiner's position, which is quoted as follows:

"All of the elements of the instant invention are discussed in detail above except providing a ground anchoring device. Belgium patent to d'Haveloose discloses a ground anchoring device having a plate which mounts bols (sic) to support vertical members. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Andresen with a ground anchoring assembly as taught by d'Haveloose since bolts anchored to the ground improves the rigidity of the vertical support members."

See Office Action, p. 3. Specifically, there is no suggestion in Andresen to combine the ground anchoring device and associated hardware with the door of Andresen. Andresen teaches a disadvantage associated with heavy doors and hardware required to assist in opening the door as follows:

The massive springs employed to balance the door so that it can be readily opened are a hazard to persons and property since failure of the springs or the associated hardware often results in hardware fragments being projected into the garage.

Col. 1, lines 28-33. As shown in Figs. 1 and 7 of the d'Haveloose patent, the frame and associated hardware extends into the garage, apparently to balance the door. This type of hardware is described as a "hazard to persons and property" in the Andresen patent. Therefore, the combination of Andresen with d'Haveloose is improper since there is no suggestion to combine the door of Andresen with the frame and associated hardware of d'Haveloose. Claim 62 is allowable over the combination, and reconsideration and notice to that effect is respectfully requested.

Claims 63 and 64 were rejected as being unpatentable over Andresen and d'Haveloose as applied to claim 62, in further view of Mursinna. As previously discussed, there is no suggestion to combine Andresen with d'Haveloose. Given that Andresen teaches away from the associated hardware of d'Haveloose, the combination is improper. Claims 63 and 64 depend from allowable claim 62. The cited references do not teach, suggest or disclose all the elements of claim

62; therefore, they do not teach, suggest or disclose all the elements of claims 63 and 64. Reconsideration and notice to that effect is respectfully requested.

Finally, in the Office Action, the Examiner rejected claims 50, 51, 55, 56, 58 and 59 as being unpatentable over the Andresen patent in view of the Wentzel patent. Claims 50, 51, 55, 56, 58 and 59 depend in some form from claim 49 or claim 57. Because neither claim 49 nor claim 57 were rejected as being unpatentable over the Andresen patent in view of the Wentzel patent, the rejection is improper.

Moreover, neither Andresen nor Andresen in combination with Wentzel teaches, suggests or discloses all the elements of claims 49 and 57. Therefore, the combination of Andresen and Wentzel does not teach, suggest or disclose all the elements of claims 50, 51, 55, 56, 58 and 59. Reconsideration and allowance of claims 50, 51, 55, 56, 58 and 59 is requested.

Conclusion

In view of these comments, it is believed that the present application is in condition for allowance. Applicant respectfully requests reconsideration and allowance of claims 36-64.

Respectfully submitted,

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Date: November 18, 2002

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